



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,577	10/02/2003	Douglas B. Guthrie	SEH 027 P2	9309
34232	7590	04/15/2005	EXAMINER	
MATTHEW R. JENKINS, ESQ. 2310 FAR HILLS BUILDING DAYTON, OH 45419			OMGBA, ESSAMA	
			ART UNIT	PAPER NUMBER
			3726	

DATE MAILED: 04/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

ℓ

Office Action Summary	Application No. 10/677,577	Applicant(s) GUTHRIE ET AL.	
	Examiner Essama Omgba	Art Unit 3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) ☒ Notice of References Cited (PTO-892) | 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) ☐ Notice of Informal Patent Application (PTO-152) |
| 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/5/04</u> . | 6) ☐ Other: ____. |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: on page 3, line 19, "illustrated" should read --illustrate--; on page 5, line 2, "an" should read --an--; on page 6, line 16, "exploded" should read --enlarged--; on page 7, line 6, "9C" should read --9D--; on page 10, line 5, "spine" should read --spline--; on page 11, line 10, "dimensional" should read --dimensioned--, and in line 18, "3D" should read --3C--; and on page 12, line 3, "of" should read --or--.

Appropriate correction is required.

Claim Objections

2. Claims 8, 9, 13-16 and 21-24 are objected to because of the following informalities: in claims 8 and 9, line 4 of each claim, "providing" should read --provided--; in claims 13-16 and 21-24, "is" in line 1 of each claim should be deleted. Also in claim 24, line 4, "support. member" should read --support member-- Appropriate correction is required.

3. Claim 6 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claims 5 and 6 are identical.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 10-12, 28 and 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 recites the limitation "said platen" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 28 recites the limitations "said second channels" and "said first channel" in lines 1 and 2. There is insufficient antecedent basis for these limitations in the claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-3 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Payvar (US Patent 5,101,953).

With regards to claims 1-3, Payvar discloses a method of forming a friction member wherein a friction facing 11 is provided with a plurality of first apertures 19 (figure 1) having an open end and a closed end first (figure 8) and a plurality of second channels 20, at least one of the plurality of second channels situated between a pair of the

Art Unit: 3726

plurality of apertures and the plurality of the second channels being created at a predetermined location on the friction facing (figures 1 and 9), see column 1, lines 52-66. Applicant should note that situating the friction facing onto a support member is conventional in the art.

For claim 13, see column 3, lines 45-48.

8. Claims 1 and 3-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Hirayanagi et al. (US Patent 6,062,367).

Hirayanagi et al. discloses a method for forming a friction member wherein a friction facing 10 is provided with a plurality of apertures 11b having an open end and a closed end and a plurality of second channels 11a at a predetermined location in the friction facing between a first edge 10a and a second edge 10b of the friction facing such that the plurality of second channels are in fluid communication with the plurality of apertures, see column 3, lines 63-64 and column 4, lines 1-6. Applicant should note that the friction plate 10 is situated on support member 7.

9. Claim 27 is rejected under 35 U.S.C. 102(b) as being anticipated by Staub, Jr. (US Patent 4,287,978).

Staub, Jr. discloses a plurality of channels 25 comprising a shallow area and a deep area (figures 1 and 4) for permitting fluid to flow from a first area 24 to a second area 22 across a surface 20, see column 1, lines 44-53 and column 2, lines 31-38.

10. Claims 27-31, *as best understood by the examiner*, are rejected under 35 U.S.C. 102(b) as being anticipated by Kanbe et al. (US Patent 4,139,085).

Art Unit: 3726

With regards to claims 27-29, Kanbe et al discloses providing on a surface of a facing material 16 a plurality of channels 25 comprising a shallow area and a deep area (figures 7d-7h) for permitting fluid to flow from a first area, across a surface of the facing material, to a second area, see column 4, lines 43-68 and column 5, lines 35-40.

Applicant should note that some of the grooves in Kanbe et al. are shallower than others.

For claims 30 and 31, see column 6, lines 26-30.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 7-12 and 14-26, *as best understood by the examiner*, are rejected under 35 U.S.C. 103(a) as being unpatentable over Payvar.

With regards to claims 7-10, 14-17 and 19-26, Payvar discloses a method for forming a friction member as shown above. Although the plurality of second channels are not formed by driving a heated platen into the facing material while the facing material is being bonded to the support member, or lasering or embossing the channels, however it would have been obvious to one of ordinary skill in the art at the time the invention was made that forming the plurality of the second channels as claimed is an obvious matter of design choice wherein no stated problem is solved or unexpected results obtained in

Art Unit: 3726

forming the channels by driving a heated platen into the facing material while the facing material is being bonded to the support member or by lasering or embossing versus forming them by machining as taught by Payvar. Applicant should also note that forming the channels before or after the friction facing is situated on the support member is also an obvious matter of design choice wherein no stated problem is solved or unexpected results obtained.

For claims 11 and 12, Applicant should note that it is conventional to have the friction facing situated on a clutch plate or a synchronizer ring.

For claim 18, Applicant should note that forming the friction facing by stamping the friction facing from a web is old and well known in the art.

Conclusion

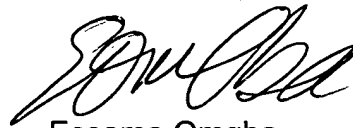
13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Essama Omgba whose telephone number is (571) 272-4532. The examiner can normally be reached on M-F (10-7:30) First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3726

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Essama Omgba
Primary Examiner
Art Unit 3726

eo
April 13, 2005